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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,834	01/24/2001	Greg Arnold	PALM-3561.US.P	5518
49637	7590	04/24/2006	EXAMINER	
BERRY & ASSOCIATES P.C. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069			LUU, LE HIEN	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,834

Applicant(s)

ARNOLD, GREG

Examiner

Le H. Luu

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/01/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-23 are presented for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4, 6, 10, 12-14, 17, 20-21, and 23 are rejected under 35 U.S.C. § 102(e) as being anticipated by L'Heureux et al. (L'Heureux) patent no. 6,697,942.

4. As to claims 1, 10, and 21 L'Heureux teaches a method of using an email message to control a computer resource, comprising:

receiving an email message from a sender (col. 2, lines 52-67);

recognizing a reserved command word within the email message (Figs 4-12; col. 7 lines 11-34; col. 9 line 4 - col. 10 line 9; col. 12 lines 13-31);

determining whether a plurality of separate parts of the email message include a respective plurality of identifiable portions of a command to be carried out on an available computer resource based on the reserved command word (Figs 4-12; col. 7 lines 11-34; col. 9 line 4 - col. 10 line 9; col. 12 lines 13-31); and

assembling a command for execution on the computer resource using the plurality of identifiable portions of the command in the plurality of separate parts of the email message (Figs 4-12; col. 7 lines 11-34; col. 9 line 4 - col. 10 line 9; col. 12 lines 13-31).

5. As to claim 2, L'Heureux further teaches receiving a result from the available computer resource; and sending a reply email message communicating the result to the sender (col. 8, line 42- col 9 line 3).

6. As to claim 3, L'Heureux teaches the computer resource comprises a computer database, the command comprises a database query and wherein the result comprises the result of the database query (Figs 8-9, col. 8 line 51 – col. 9 line 9).

7. As to claim 4, L'Heureux teaches the resource comprises a computer database and the command comprises a database query (Figs 8-9, col. 8 line 51 – col. 9 line 9).

8. As to claim 6, L'Heureux teaches parsing the email message into parts defining the computer resource and the command (Figs 8-9, col. 8 line 51 – col. 9 line 9).

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5, 7, 11, 15-16, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over L'Heureux et al. (L'Heureux) patent no. 6,697,942, in view of Ono patent no. 6,742,024.

11. As to claim 5, L'Heureux teaches the invention substantially as discussed above. However, L'Heureux does not explicitly teach the reserved command word comprising a part of a subject portion of the email message. Ono teaches sending commands in subject field of an electronic mail (Figs 3, 6; col. 2 lines 16-65; col. 4 line 41 – col. 6 line 44). It would have been obvious to one of ordinary skill in the Data Processing Art at the time of the invention to combine the teachings of L'Heureux and Ono to provide the

reserved command word in the subject field of an electronic mail because it would provide additional functionality to email user to control other computers using email.

12. As to claim 7, Ono teaches the sending of the email message from the sender originates at a palmtop computer (Abstract, col. 5 lines 24-34).

13. Claims 8-9 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over L'Heureux et al. (L'Heureux) patent no. 6,697,942.

14. As to claims 8-9, L'Heureux teaches the invention substantially as discussed above. However, L'Heureux does not explicitly teach a firewall. Official Notice is taken that firewall is well-known. It would have been obvious to one of ordinary skill in the Data Processing Art at the time of the invention to combine the well-known teaching with L'Heureux's teaching to provide a firewall to protect program processor and server because it would provide prevent unauthorized intruder from accessing the network.

15. Claims 11-20 and 22-23 have similar limitations as claims 1-10 and 21; therefore, they are rejected under the same rationale.

16. In the remarks, applicant argued in substance that

(A) Prior art does not teach a command is formed through interpretation of standard text of different parts (e.g., lines) of the email.

As to point (A), L'Heureux teaches a NEW_ADDRESS_ENTRY command is

formed through interpretation of standard text of different lines of the email (Fig 8).

17. Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.").

Limitations that are argued by applicant but are not in claimed language are not being considered by Examiner.

18. Applicant's arguments filed on 02/01/06 have been fully considered but they are not deemed to be persuasive.

19. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

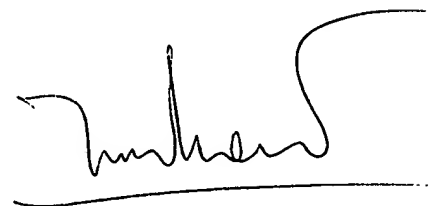
A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu whose telephone number is 571-272-3884.

The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Le Hien Luu', is written over a horizontal line.

LE HIEN LUU
PRIMARY EXAMINER